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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,847	12/13/2001	George Kataoka	TKA0033	3899
832	7590	01/15/2003		
BAKER & DANIELS 111 E. WAYNE STREET SUITE 800 FORT WAYNE, IN 46802			EXAMINER MENON, KRISHNAN S	5
			ART UNIT 1723	PAPER NUMBER

DATE MAILED: 01/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/021,847	KATAOKA, GEORGE	
	Examiner Krishnan S Menon	Art Unit 1723	

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 31 July 2002.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-10 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-10 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3,4</u> .	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

1. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nordskog (US 4,867,993) in view of DeBacker et al (US 5,806,408).

Nordskog (993) teaches a coffee filter device comprising a blind frame (20), an open frame (38), a body part (30) connecting the blind frame and the open frame, wherein the body part is deformable with shape retaining ability, a store room enclosing the extractables (14) wherein when not in use, the body could be folded in to the blind frame and the body could be expanded and restored to the original cup shape when in use as in instant claim 1(see fig 1-7). The filter is tapered as in instant claim 2 (fig 5), the height of open frame is smaller than the blind frame (see fig 5 or 7) as in instant claim 3, the upper end of the blind frame is connected to the lower end of the open

frame as in instant claim 4, and when collapsed, the body parts would cover the peripheral faces of the open frame and the blind frame as in instant claim 5.

Nordskog (993), while teaching that the filter could be of any shape like square or inverted frusto-conical and other suitable configurations, is silent on whether the filter could be having the open end larger than the open end as in instant claim 1, or taper with increasing diameter from open frame to blind end frame as in instant claim 2, which would accommodate the open frame completely in the blind frame as in instant claim 3. DeBacker (408) teaches a coffee filter with open frame smaller than the blind frame (see fig 5), with collapsible wall. It would be obvious to one of ordinary skill in the art at the time of invention to have a filter as taught by Nordskog (993) but with the open frame smaller than the blind frame, which is essentially inverting the design of Nordskog (993), as in DeBacker (408) because this design could have the advantage of collapsing the open frame (22 or 22b) completely into the inside of the blind frame for complete and convenient sealing with peelable strips for packaging and shipping (see abstract and col 2 line 15 of Nordskog 993)

2. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nordskog (993) in view of DeBacker (408) and further in view of Hayes (US 4,520,716).

Nordskog (993) in view of DeBacker (408) teaches all the elements of claims 6-9 as in claim 1 above, including paper for material of the filter as in instant claim 9; except for the cup-holding frame in the blind frame, and the store room hanging down from a hole at the bottom of the blind frame. Hayes (716) teaches such a cup holding frame in a coffee-making filter with the store room hanging down from a hole in the blind frame (see fig 1, 1a and 7). It would be obvious to one of ordinary skill in the art at the time of invention to have a cup-holding frame at the bottom of the

filter as taught by Hayes (716) in the teaching of Nordskog (993) for securely attaching the filter to a coffee-cup, with the hanging store room to reduce spillage when loading coffee powder in it.

3. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nordskog (993) in view of DeBacker (408) as applied to claim 1 above, and further in view of Koslow et al (US 6,103,116).

Nordskog (993) in view of DeBacker (408) teaches all the elements of claim 10 as in instant claim 1 above except for the non-woven fabric material for the filter. Koslow (116) teaches non-woven fabric for the filter in a similar coffee filter device (col 4 lines 10-15). It would be obvious to one of ordinary skill in the art at the time of invention to use non-woven fabric instead of paper as taught by Koslow (116) in the teachings of Nordskog (993) in view of DeBacker (408) for higher flow rate through the filter or for repeated use.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Collapsible filters for coffee maker or beverage containers are described in the following references.

Zimmermann (US 4,306,492); Kaura (US 5,733,448); Valtri et al (US 3,434,589); Lemonnier (US 4,777,137)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krishnan S Menon whose telephone number is 703-305-5999. The examiner can normally be reached on 8:00-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L Walker can be reached on 703-308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Krishnan S. Menon
Patent Examiner
January 9, 2003


W. L. WALKER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700